

Notice of Allowability

Application No.

10/644,404

Applicant(s)

KASPARIAN ET AL.

Examiner

Art Unit

Chester T. Barry

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 8/20/03.

2. The allowed claim(s) is/are 1-23.

3. The drawings filed on 20 August 2003 are accepted by the Examiner.

4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Art Unit: 1724

Notice of Claim Renumbering per 37 CFR 1.126

Per 37 CFR 1.126, each of consecutive claims "9" through "24" inclusive, as originally filed, has been renumbered as - 8 - through - 23 --.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

IN THE CLAIMS

In claim 8, i.e., the claim which was originally filed as claim "9," at line 1, "8" was changed to - 7 --."

In claim 9, i.e., the claim which was originally filed as claim "10," at line 1, "8" was changed to - 7 --."

In claim 10, i.e., the claim which was originally filed as claim "11," at line 1, "8" was changed to - 7 --."

In claim 11, i.e., the claim which was originally filed as claim "12," at line 1, "8" was changed to - 7 --."

In claim 12, i.e., the claim which was originally filed as claim "13," at line 1, "8" was changed to - 7 --."

In claim 13, i.e., the claim which was originally filed as claim "14," at line 1, "8" was changed to – 7 --."

In claim 14, i.e., the claim which was originally filed as claim "15," at line 1, "8" was changed to – 7 --."

In claim 16, i.e., the claim which was originally filed as claim "17," at line 1, "16" was changed to – 15 --."

In claim 17, i.e., the claim which was originally filed as claim "18," at line 1, "16" was changed to – 15 --."

In claim 18, i.e., the claim which was originally filed as claim "19," at line 1, "16" was changed to – 15 --."

In claim 19, i.e., the claim which was originally filed as claim "20," at line 1, "16" was changed to – 15 --."

In claim 20, i.e., the claim which was originally filed as claim "21," at line 1, "16" was changed to – 15 --."

In claim 21, i.e., the claim which was originally filed as claim "22," at line 1, "16" was changed to – 15 --."

In claim 23, i.e., the claim which was originally filed as claim "24," at line 1, "23" was changed to – 22 --."

IN THE SPECIFICATION

At the bottom of page 12, above the number "12," the following was inserted:

-- FIGURE 4 shows another embodiment of the invention. --

Reasons for Allowance

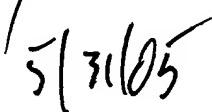
The following is an examiner's statement of reasons for allowance:

USP 6787035 appears to be the closest prior art. The patent does not teach or suggest a facultative zone below the aerobic zone.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



571-272-1152



CHESTER T. BARRY
PRIMARY EXAMINER